

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 13-831V

Filed: December 7, 2016

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ROBIN HARRISON,  
Petitioner,  
  
v.  
SECRETARY OF HEALTH  
AND HUMAN SERVICES,  
  
Respondent.

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**UNPUBLISHED**

Special Master Hamilton-Fieldman  
Attorneys' Fees and Costs;  
Reasonable Amount Requested.

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Nicholas E. Bunch, White, Getgey & Meyer, Cincinnati, OH, for Petitioner.

Jennifer L. Reynaud, United States Department of Justice, Washington, DC, for Respondent.

## **DECISION ON ATTORNEYS' FEES AND COSTS<sup>1</sup>**

On December 23, 2013, Robin Harrison ("Petitioner") petitioned for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that the administration of an influenza vaccine on November 2, 2010 caused her to suffer from Guillain-Barré Syndrome. On November 30, 2016, a decision awarding compensation was issued pursuant to a stipulation of the parties.

On November 16, 2016, Petitioner filed an application for attorneys' fees and costs. Petitioner requested attorneys' fees in the amount of \$11,094.35. *See* Petitioners' Application at

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<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the purposes espoused in the E-Government Act of 2002. *See* 44 U.S.C. § 3501 (2012). Each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

2, filed Nov. 16, 2016. Petitioner requested costs in the amount of \$20,186.61 for expert reports, and other expenses, of which \$4,500.00 were personally incurred in the course of this litigation. *Id.* at 1; *see also* Gen. Order 9 Statement, filed Nov. 16, 2016. Respondent indicated that “[t]o the extent the special master is treating petitioner’s request for attorneys’ fees and costs as a motion that requires a response from respondent, respondent . . . is satisfied that the statutory requirements for an award of attorneys’ fees and costs are met in this case.” Respondent’s Response at 2, filed Nov. 30, 2016. Respondent requested that the undersigned exercise her discretion and determine a reasonable award for attorneys’ fees and costs. *Id.* at 3.

The undersigned has reviewed Petitioner’s counsel’s detailed records of time and expenses incurred in this case, and they appear reasonable. Petitioner’s request for costs personally incurred is also reasonable. In accordance with the Vaccine Act, 42 U.S.C. § 300aa-15(e) (2012), the undersigned finds that Petitioner is entitled to attorneys’ fees and costs.

**Accordingly, the undersigned hereby awards the amount of \$26,780.96, in the form of a check made payable jointly to Petitioner and Petitioner’s counsel, Nicholas E. Bunch, of White, Getgey & Meyer; and the amount of \$4,500.00, in the form of a check made payable to Petitioner only.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.<sup>2</sup>

**IT IS SO ORDERED.**

/s/Lisa D. Hamilton-Fieldman

Lisa D. Hamilton-Fieldman

Special Master

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<sup>2</sup> Entry of judgment can be expedited by each party’s filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).